

107TH CONGRESS
1ST SESSION

H. R. _____

IN THE HOUSE OF REPRESENTATIVES

Mr. TAUZIN (for himself, Mr. DINGELL, [insert attached list of additional co-sponsors]) introduced the following bill; which was referred to the Committee on _____

A BILL

To deregulate the Internet and high speed data services,
and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Internet Freedom and
5 Broadband Deployment Act of 2001”.

6 **SEC. 2. FINDINGS AND PURPOSE.**

7 (a) FINDINGS.—Congress finds the following:



1 (1) Internet access services are inherently inter-
2 state and international in nature, and should there-
3 fore not be subject to regulation by the States.

4 (2) The imposition of regulations by the Fed-
5 eral Communications Commission and the States
6 has impeded the rapid delivery of high speed Inter-
7 net access services to the public, thereby reducing
8 consumer choice and welfare.

9 (3) The Telecommunications Act of 1996 rep-
10 resented a careful balance between the need to open
11 up local telecommunications markets to competition
12 and the need to increase competition in the provision
13 of interLATA voice telecommunications services.

14 (4) In enacting the prohibition on Bell oper-
15 ating company provision of interLATA services,
16 Congress recognized that certain telecommunications
17 services have characteristics that render them in-
18 compatible with the prohibition on Bell operating
19 company provision of interLATA services, and ex-
20 empted such services from the interLATA prohibi-
21 tion.

22 (5) High speed data services and Internet ac-
23 cess services constitute unique markets that are like-
24 wise incompatible with the prohibition on Bell oper-
25 ating company provision of interLATA services.



1 (6) Since the enactment of the Telecommuni-
2 cations Act of 1996, the Federal Communications
3 Commission has construed the prohibition on Bell
4 operating company provision of interLATA services
5 in a manner that has impeded the development of
6 advanced telecommunications services, thereby lim-
7 iting consumer choice and welfare.

8 (7) Internet users should have choice among
9 competing Internet service providers.

10 (8) Internet service providers should have the
11 right to interconnect with high speed data networks
12 in order to provide service to Internet users.

13 (b) PURPOSES.—It is therefore the purpose of this
14 Act to provide market incentives for the rapid delivery of
15 advanced telecommunications services—

16 (1) by deregulating high speed data services
17 and Internet access services;

18 (2) by clarifying that the prohibition on Bell op-
19 erating company provision of interLATA services
20 does not extend to the provision of high speed data
21 services and Internet access services;

22 (3) by ensuring that consumers can choose
23 among competing Internet service providers; and

24 (4) by ensuring that Internet service providers
25 can interconnect with competitive high speed data



1 networks in order to provide Internet access service
2 to the public.

3 **SEC. 3. DEFINITIONS**

4 (a) AMENDMENTS.—Section 3 of the Communica-
5 tions Act of 1934 (47 U.S.C. 153) is amended—

6 (1) by redesignating paragraph (20) as para-
7 graph (21);

8 (2) by redesignating paragraphs (21) through
9 (52) as paragraphs (24) through (54), respectively;

10 (3) by inserting after paragraph (19) the fol-
11 lowing new paragraph:

12 “(20) HIGH SPEED DATA SERVICE.—The term
13 ‘high speed data service’ means any service that con-
14 sists of or includes the offering of a capability to
15 transmit, using a packet-switched or successor tech-
16 nology, information at a rate that is generally not
17 less than 384 kilobits per second in at least one di-
18 rection.”;

19 (4) by inserting after paragraph (22) the fol-
20 lowing new paragraphs:

21 “(23) INTERNET.—The term “Internet” means
22 collectively the myriad of computer and tele-
23 communications facilities, including equipment and
24 operating software, which comprise the inter-
25 connected world-wide network of networks that em-



1 ploy the Transmission Control Protocol/Internet
2 Protocol, or any predecessor or successor protocols
3 to such protocol, to communicate information of all
4 kinds by wire or radio.

5 “(24) INTERNET ACCESS SERVICE.—The term
6 ‘Internet access service’ means (A) a service that
7 combines computer processing, information storage,
8 protocol conversion, and routing with transmission
9 to enable users to access Internet content and serv-
10 ices, and (B) the transmission of such service, but
11 does not include the portion of such transmission
12 from the user to the provider of such service.”.

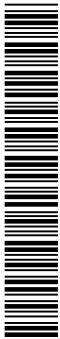
13 (b) CONFORMING AMENDMENTS.—

14 (1) Section 230(f) of the Communications Act
15 of 1934 (47 U.S.C. 230(f)) is amended—

16 (A) by striking paragraph (1); and

17 (B) by redesignating paragraphs (2)
18 through (4) as paragraphs (1) through (3), re-
19 spectively.

20 (2) Section 223(h)(2) of such Act (47 U.S.C.
21 223(h)(2)) is amended by striking “230(f)(2)” and
22 inserting “230(f)(1)”.



1 **SEC. 4. LIMITATION ON AUTHORITY TO REGULATE HIGH**
2 **SPEED DATA SERVICES.**

3 (a) IN GENERAL.—Part I of title II of the Commu-
4 nications Act of 1934 (47 U.S.C. 201 et seq.) is amended
5 by adding at the end the following new section:

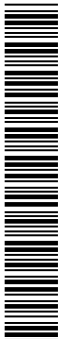
6 **“SEC. 232. PROVISION OF HIGH SPEED DATA SERVICES.**

7 “(a) FREEDOM FROM REGULATION.—Except to the
8 extent that high speed data service and Internet access
9 service are expressly referred to in this Act, neither the
10 Commission, nor any State, shall have authority to regu-
11 late the rates, charges, terms, or conditions for, or entry
12 into the provision of, any high speed data service or Inter-
13 net access service, or to regulate the facilities used in the
14 provision of either such service.

15 “(b) SAVINGS PROVISION.—Nothing in this section
16 shall be construed to limit or affect the authority of any
17 State to regulate voice telephone exchange services, nor
18 affect the rights of cable franchise authorities to establish
19 requirements that are otherwise consistent with this Act.

20 “(c) CONTINUED ENFORCEMENT OF ESP EXEMP-
21 TION, UNIVERSAL SERVICE RULES PERMITTED.—Noth-
22 ing in this section shall affect the ability of the Commis-
23 sion to retain or modify—

24 “(1) the exemption from interstate access
25 charges for enhanced service providers under Part
26 69 of the Commission’s Rules; or



1 “(2) rules issued pursuant to section 254.”.

2 (b) CONFORMING AMENDMENT.—Section 251 of the
3 Communications Act of 1934 (47 U.S.C. 251) is amended
4 by adding at the end thereof the following new subsection:

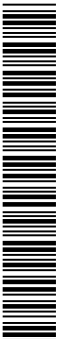
5 “(j) EXEMPTION.—

6 “(1) IN GENERAL.—Notwithstanding the provi-
7 sions of subsections (c) and (d), the Commission
8 shall not require an incumbent local exchange car-
9 rier to—

10 “(A) provide unbundled access to any net-
11 work elements used in the provision of any high
12 speed data service, other than those network
13 elements described in section 51.319 of the
14 Commission’s regulations (47 C.F.R. 51.319),
15 as in effect on January 1, 1999; or

16 “(B) offer for resale at wholesale rates any
17 high speed data service.

18 “(2) AUTHORITY TO REDUCE ELEMENTS SUB-
19 JECT TO REQUIREMENT.—Paragraph (1)(A) shall
20 not prohibit the Commission from modifying the reg-
21 ulation referred to in that paragraph to reduce the
22 number of network elements subject to the
23 unbundling requirement, or to forbear from enforce-
24 ing any portion of that regulation in accordance with
25 the Commission’s authority under section 706 of the



1 Telecommunications Act of 1996, notwithstanding
2 any limitation on that authority in section 10 of this
3 Act.”.

4 **SEC. 5. INTERNET CONSUMERS FREEDOM OF CHOICE.**

5 Part I of title II of the Communications Act of 1934,
6 as amended by section 4, is amended by adding at the
7 end the following new section:

8 **“SEC. 233. INTERNET CONSUMERS FREEDOM OF CHOICE.**

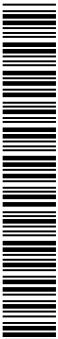
9 “(a) PURPOSE.—It is the purpose of this section to
10 ensure that Internet users have freedom of choice of Inter-
11 net service provider.

12 “(b) OBLIGATIONS OF INCUMBENT LOCAL EX-
13 CHANGE CARRIERS.— Each incumbent local exchange
14 carrier has the duty to provide—

15 “(1) Internet users with the ability to subscribe
16 to and have access to any Internet service provider
17 that interconnects with such carrier’s high speed
18 data service;

19 “(2) any Internet service provider with the
20 right to acquire the facilities and services necessary
21 to interconnect with such carrier’s high speed data
22 service for the provision of Internet access service;
23 and

24 “(3) any Internet service provider with the abil-
25 ity to collocate equipment in accordance with the



1 provisions of section 251, to the extent necessary to
2 achieve the objectives of paragraphs (1) and (2) of
3 this subsection.

4 “(c) DEFINITIONS.—As used in this section—

5 “(1) INTERNET SERVICE PROVIDER.—The term
6 ‘Internet service provider’ means any provider of
7 Internet access service.

8 “(2) INCUMBENT LOCAL EXCHANGE CAR-
9 RIER.—The term ‘incumbent local exchange carrier’
10 has the same meaning as provided in section
11 251(h).”.

12 **SEC. 6. INCIDENTAL INTERLATA PROVISION OF HIGH**
13 **SPEED DATA AND INTERNET ACCESS SERV-**
14 **ICES.**

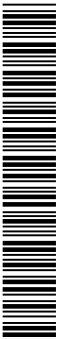
15 (a) INCIDENTAL INTERLATA SERVICE
16 PERMITTED.—Section 271(g) of the Communications Act
17 of 1934 (47 U.S.C. 271(g)) is amended—

18 (1) by striking “or” at the end of paragraph
19 (5);

20 (2) by striking the period at the end of para-
21 graph (6) and inserting “; or”; and

22 (3) by adding at the end thereof the following
23 new paragraph:

24 “(7) of high speed data service or Internet ac-
25 cess service.”.



1 (b) PROHIBITION ON MARKETING VOICE SERV-
2 ICES.—Section 271 of such Act is amended by adding at
3 the end thereof the following new subsection:

4 “(k) PROHIBITION ON MARKETING VOICE TELE-
5 PHONE SERVICES.—Until the date on which a Bell oper-
6 ating company is authorized to offer interLATA services
7 originating in an in-region State in accordance with the
8 provisions of this section, such Bell operating company of-
9 fering any high speed data service or Internet access serv-
10 ice pursuant to the provisions of paragraph (7) of sub-
11 section (g) may not, in such in-region State market, bill,
12 or collect for interLATA voice telecommunications service
13 obtained by means of the high speed data service or Inter-
14 net access service provided by such company.”.

15 (c) CONFORMING AMENDMENTS.—

16 (1) Section 272(a)(2)(B)(i) of such Act is
17 amended to read as follows:

18 “(i) incidental interLATA services de-
19 scribed in paragraphs (1), (2), (3), (5),
20 (6), and (7) of section 271(g).”.

21 (2) Section 272(a)(2)(C) of such Act is re-
22 pealed.

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